

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS PRODUCTS:
LIABILITY LITIGATION

No. 2:15-MD-02641-PHX-DGC

SECOND AMENDED SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND DEMAND
FOR JURY TRIAL

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Matthew Orefice

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

N/A

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court, Middle District of Florida, Tampa Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C. R Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

-
-
10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☒ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

approximately February 23, 2004

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability - Manufacturing Defect

☒ Count II: Strict Products Liability - Information Defect (Failure

to Warn)

- ☒ Count III: Strict Products Liability -Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence - Failure to Recall/Retrofit
- ☒ Count VII: Negligence --Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Florida (insert state
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)


13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 3rd day of April, 2018.

By: _____


Kelly E. Reardon, Esq.
THE REARDON LAW FIRM, P.C.
160 Hempstead Street
New London, CT 06320
Attorney for the Plaintiff

I hereby certify that on this 3rd day of April, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.



Kelly E. Reardon, Esq.

THE REARDON LAW FIRM, P.C.